



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 CRIMINAL APPLICATION NO.774 OF 2024

Satish Prakashlal Jaiswal,
Age 43 yrs., Occ. Business,
R/o Gopikishan Nagar,
Jalna, Tq. & Dist. Jalna.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra
Through the Police Inspector,
Police Station, Chandanzira,
Tq. & Dist. Jalna.
- 2 Manohar Narayan Khandagle,
Age 54 yrs., Occ. Service, ASI,
Police Station, Chandanzira,
Tq. & Dist. Jalna.

... Respondents

...

Mr. A.R. Borulkar, Advocate for applicant

Mr. V.K. Kotecha, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 10th JUNE, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashing First Information Report vide Crime No.201/2023 dated 04.06.2023 registered with Police Station, Chandanzira, Tq. & Dist. Jalna, for the offence punishable under Section 272, 273, 188, 328 of the Indian Penal Code, 1860 and under Section 59 of the Food Safety and Standards Act, 2006 and later on by way of amendment for quashing the proceedings in Sessions Case No.96/2024 pending before learned Additional Sessions Judge, Jalna.

2 Heard learned Advocate Mr. A.R. Borulkar for applicant and learned APP Mr. V.K. Kotecha for respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of First Information Report and charge sheet would show that First Information Report has been lodged by Assistant Sub Inspector Mr. Manohar Narayan Khandagale attached to Police Station, Chandanzira, Dist. Jalna. He states that he had received secret information on 04.06.2023 that one person would be transporting Gutkha (the banned food article) on a

Luna in the new Mondha area. Accordingly, he along with Police Head Constable Mr. Jadhav and panch witnesses intercepted the said person coming on Luna. He disclosed his name as Laxmikant Bhikchand Bujade. Search of the vehicle was taken, wherein scented tobacco bags of different companies having small sachets were found. Inquiry was made. He told that said bags have been purchased by him from present applicant. Thereafter, present First Information Report has been lodged. Here, it is to be noted that though First Information Report is against said Laxmikant Bhikchand Bujade and present applicant, but the name of present applicant is stated to have been stated by the co-accused only, which is inadmissible. There is no *prima facie* evidence on record to connect present applicant with the crime. The entire charge sheet does not show any transaction between the applicant and co-accused. Under such circumstance, with such material collected in investigation it would be unjust to ask the applicant to face the trial. Therefore, case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- i) Criminal Application stands allowed.

ii) The proceedings in Sessions Case No.96/2024 pending before learned Additional Sessions Judge, Jalna arising out of First Information Report vide Crime No.201/2023 dated 04.06.2023 registered with Police Station, Chandanzira, Tq. & Dist. Jalna, for the offence punishable under Section 272, 273, 188, 328 of the Indian Penal Code, 1860 and under Section 59 of the Food Safety and Standards Act, 2006, stands quashed and set aside as against applicant viz. **Satish Prakashlal Jaiswal**.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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